

Senate Amendment 3229

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1 1 Amend House File 614, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 1 6 adding the following new unnumbered paragraph:
1 7 NEW UNNUMBERED PARAGRAPH. The state commissioner
1 8 shall adopt rules pursuant to chapter 17A, for the
1 9 implementation of uniform and nondiscriminatory
1 10 administrative complaint procedures for resolution of
1 11 grievances relating to violations of Title III of Pub.
1 12 L. No. 107=252.
1 13 Sec. 2. Section 47.7, subsections 2, 3, and 4,
1 14 Code 2003, are amended by striking the subsections and
1 15 inserting in lieu thereof the following:
1 16 2. a. On or before January 1, 2004, or on or
1 17 before January 1, 2006, if a waiver is granted
1 18 pursuant to section 303(d) of Pub. L. No. 107=252, the
1 19 state registrar of voters shall implement in a uniform
1 20 and nondiscriminatory manner, a single, uniform,
1 21 official, centralized, interactive computerized
1 22 statewide voter registration file defined, maintained,
1 23 and administered at the state level that contains the
1 24 name and registration information of every legally
1 25 registered voter in the state and assigns a unique
1 26 identifier to each legally registered voter in the
1 27 state. The state voter registration system shall be
1 28 coordinated with other agency databases within the
1 29 state, including, but not limited to, the department
1 30 of transportation driver's license records, judicial
1 31 records of convicted felons and persons declared
1 32 incompetent to vote, and department of public health
1 33 records of deceased persons.
1 34 b. On or after the deadline established in
1 35 paragraph "a", a county shall not establish or
1 36 maintain a voter registration system separate from the
1 37 state voter registration system. Each county shall
1 38 provide to the state registrar the names, voter
1 39 registration information, and voting history of each
1 40 registered voter in the county in the form required by
1 41 the state registrar.
1 42 c. A state or local election official may obtain
1 43 immediate electronic access to the information
1 44 contained in the computerized voter registration file.
1 45 All voter registration information obtained by a local
1 46 election official shall be electronically entered into
1 47 the computerized voter registration file on an
1 48 expedited basis at the time the information is
1 49 provided to the local election official. The state
1 50 registrar shall provide such support as may be
2 1 required to enable local election officials to
2 2 electronically enter the information into the
2 3 computerized voter registration file on an expedited
2 4 basis. The list generated from the computerized file
2 5 shall serve as the official voter registration list
2 6 for the conduct of all elections for federal office in
2 7 the state.
2 8 d. The state registrar shall prescribe by rule the
2 9 procedures for access to the state voter registration
2 10 file, security requirements, and access protocols for
2 11 adding, changing, or deleting information from the
2 12 state voter registration file.
2 13 Sec. 3. Section 48A.8, Code 2003, is amended to
2 14 read as follows:
2 15 48A.8 REGISTRATION BY MAIL.
2 16 1. An eligible elector may register to vote by
2 17 completing a mail registration form. The form may be
2 18 mailed or delivered by the registrant or the
2 19 registrant's designee to the commissioner in the
2 20 county where the person resides. A separate
2 21 registration form shall be signed by each individual
2 22 registrant.
2 23 2. An eligible elector who registers by mail and
2 24 who has not previously voted in an election for
2 25 federal office in the county of registration shall be

2 26 required to provide identification documents when
2 27 voting for the first time in the county, unless the
2 28 registrant provided on the registration form the
2 29 registrant's Iowa driver's license number or the last
2 30 four numerals of the registrant's social security
2 31 number and the driver's license or partial social
2 32 security number matches an existing state or federal
2 33 identification record with the same social security
2 34 number or Iowa driver's license number and name,
2 35 including first name and any family forename or
2 36 surname, and date of birth, including month, date, and
2 37 year. If the registrant under this subsection votes
2 38 in person at the polls, or by absentee ballot at the
2 39 commissioner's office or at a satellite voting
2 40 station, the registrant shall provide a current and
2 41 valid photo identification card, or shall present to
2 42 the appropriate election official one of the following
2 43 current documents that show the name and address of
2 44 the registrant:
2 45 a. Utility bill.
2 46 b. Bank statement.
2 47 c. Government check.
2 48 d. Other government document.
2 49 3. If the registrant under subsection 2 votes an
2 50 absentee ballot by mail, the registrant shall provide
3 1 a photocopy of one of the documents listed in
3 2 subsection 2 when returning the absentee ballot.
3 3 4. A registrant under subsection 2 who is required
3 4 to present identification when casting a ballot in
3 5 person shall be permitted to vote a provisional ballot
3 6 if the voter does not provide the required
3 7 identification documents. If a voter who is required
3 8 to present identification when casting a ballot votes
3 9 an absentee ballot by mail, the ballot returned by the
3 10 voter shall be considered a provisional ballot
3 11 pursuant to sections 49.81 and 53.31.
3 12 Sec. 4. Section 48A.11, subsection 1, paragraph b,
3 13 Code 2003, is amended to read as follows:
3 14 b. The registrant's name, including first name and
3 15 any family forename or surname.
3 16 Sec. 5. Section 48A.11, subsection 1, paragraph e,
3 17 Code 2003, is amended by striking the paragraph and
3 18 inserting in lieu thereof, the following:
3 19 e. Iowa driver's license number, if the registrant
3 20 has a current and valid Iowa driver's license, or the
3 21 last four numerals of the registrant's social security
3 22 number. If the registrant does not have either an
3 23 Iowa driver's license number or a social security
3 24 number, the form shall provide space for a number to
3 25 be assigned as provided in subsection 7.
3 26 Sec. 6. Section 48A.11, subsection 1, paragraph f,
3 27 Code 2003, is amended to read as follows:
3 28 f. Date of birth, including month, date, and year.
3 29 Sec. 7. Section 48A.11, subsection 1, paragraph i,
3 30 Code 2003, is amended to read as follows:
3 31 i. Political party registration, if any.
3 32 Sec. 8. Section 48A.11, subsection 2, is amended
3 33 by adding the following new paragraph:
3 34 NEW PARAGRAPH. c. The following questions and
3 35 statement regarding eligibility:
3 36 (1) Are you a citizen of the United States of
3 37 America?
3 38 (2) Will you be eighteen years of age on or before
3 39 election day?
3 40 (3) If you checked "no" in response to either of
3 41 these questions, do not complete this form.
3 42 Sec. 9. Section 48A.11, subsection 5, Code 2003,
3 43 is amended to read as follows:
3 44 5. All forms for voter registration shall be
3 45 prescribed ~~by rule adopted~~ by the state voter
3 46 registration commission.
3 47 Sec. 10. Section 48A.11, Code 2003, is amended by
3 48 adding the following new subsection:
3 49 NEW SUBSECTION. 7. A voter registration
3 50 application lacking the registrant's name, sex, date
4 1 of birth, or residence address or description shall
4 2 not be processed. If the registrant answered "no" or
4 3 did not answer either "yes" or "no" to the question in
4 4 subsection 2, paragraph "c", subparagraph (1), the
4 5 application shall not be processed. A registrant
4 6 whose registration is not processed pursuant to this

4 7 subsection shall be notified pursuant to section
4 8 48A.26, subsection 3. A registrant who does not have
4 9 either an Iowa driver's license number or a social
4 10 security number and who notifies the registrar of such
4 11 shall be assigned a unique identifying number that
4 12 shall serve to identify the registrant for voter
4 13 registration purposes.

4 14 Sec. 11. NEW SECTION. 48A.25A VERIFICATION OF
4 15 VOTER REGISTRATION INFORMATION.

4 16 Upon receipt of an application for voter
4 17 registration, the state registrar of voters shall
4 18 compare the driver's license number or the last four
4 19 numerals of the social security number provided by the
4 20 registrant with the records of the state department of
4 21 transportation. If the information cannot be
4 22 verified, the application shall be rejected and the
4 23 registrant shall be notified of the reason for the
4 24 rejection. If the information can be verified, a
4 25 record shall be made of the source used for
4 26 verification and the application shall be accepted.

4 27 This section does not apply to persons entitled to
4 28 register to vote and to vote pursuant to section
4 29 48A.5, subsection 4.

4 30 Sec. 12. Section 48A.26, subsection 3, Code 2003,
4 31 is amended to read as follows:

4 32 3. If the registration form is missing required
4 33 information pursuant to section 48A.11, subsection 7,
4 34 the acknowledgment shall advise the applicant what
4 35 additional information is required. The commissioner
4 36 shall enclose a new registration by mail form for the
4 37 applicant to use. If the registration form has no
4 38 address, the commissioner shall make a reasonable
4 39 effort to determine where the acknowledgment should be
4 40 sent. If the incomplete application is received

4 41 during the twelve days before the close of
4 42 registration for an election, the commissioner shall
4 43 provide the registrant with an opportunity to complete
4 44 the form before the close of registration.

4 45 Sec. 13. Section 48A.28, subsection 2, unnumbered
4 46 paragraph 2, Code 2003, is amended to read as follows:

4 47 A commissioner participating in the national change
4 48 of address program, in the first quarter of each
4 49 calendar year, shall send a notice and preaddressed,
4 50 postage paid return card by forwardable mail to each
5 1 registered voter whose name was not reported by the
5 2 national change of address program and who has not
5 3 voted, in two or more consecutive general elections
5 4 and has not registered again, or who has not reported
5 5 a change to an existing registration, or who has not
5 6 responded to a notice from the commissioner or
5 7 registrar during the preceding four calendar years
5 8 period between and following the previous two general
5 9 elections. The form and language of the notice and
5 10 return card shall be specified by the state voter
5 11 registration commission by rule. A registered voter
5 12 shall not be sent a notice and return card under this
5 13 subsection more frequently than once in a four-year
5 14 period.

5 15 Sec. 14. Section 48A.36, subsection 2, Code 2003,
5 16 is amended to read as follows:

5 17 2. Upon receipt of electronic registration data
5 18 under subsection 1, the state registrar of voters ~~may~~
5 19 shall cause the updating of registration records ~~for~~
5 20 ~~registrants in counties which have arranged for data~~
5 21 ~~processing services under section 47.7, subsection 2.~~
5 22 The registrar shall notify the appropriate
5 23 commissioner of the actions taken.

5 24 Sec. 15. Section 48A.38, subsection 1, paragraph
5 25 f, Code 2003, is amended to read as follows:

5 26 f. The county commissioner of registration and the
5 27 state registrar of voters shall remove a voter's
5 28 social security number and driver's license number
5 29 from a voter registration list prepared pursuant to
5 30 this section.

5 31 Sec. 16. Section 49.44, unnumbered paragraph 2,
5 32 Code 2003, is amended by striking the paragraph.

5 33 Sec. 17. Section 49.68, Code 2003, is amended to
5 34 read as follows:

5 35 49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.

5 36 The state commissioner with the approval of the
5 37 attorney general shall prepare, and from time to time

5 38 revise, written instructions to the voters relative to
5 39 voting, and shall furnish each commissioner with
5 40 copies of the instructions. Such One set of
5 41 instructions, which shall be known as instructions for
5 42 marking ballots, shall cover the manner of marking
5 43 ballots. Another set of instructions, which shall be
5 44 known as the Iowa voter bill of rights, shall cover
5 45 the following matters:
5 46 1. The manner of obtaining ballots.
5 47 2. ~~The manner of marking ballots.~~
5 48 3. 2. That unmarked or improperly marked ballots
5 49 will not be counted.
5 50 4. ~~3.~~ The method of gaining assistance in marking
6 1 ballots.
6 2 5. ~~4.~~ That any erasures or identification marks,
6 3 or otherwise spoiling or defacing a ballot, will
6 4 render it invalid.
6 5 6. ~~5.~~ Not to vote a spoiled or defaced ballot.
6 6 7. ~~6.~~ How to obtain a new ballot in place of a
6 7 spoiled or defaced one.
6 8 7. How to cast a provisional ballot.
6 9 8. Instructions for first-time voters who
6 10 registered by mail pursuant to section 48A.8.
6 11 9. The appropriate official to contact if the
6 12 voter believes the voter's rights have been violated.
6 13 10. Polling place hours and the date of the
6 14 election.
6 15 11. Information about federal and state laws
6 16 prohibiting fraud and misrepresentation.
6 17 8. ~~12.~~ Any other matters ~~thought~~ determine
6 18 necessary.
6 19 Sec. 18. Section 49.70, Code 2003, is amended to
6 20 read as follows:
6 21 49.70 PRECINCT ELECTION OFFICIALS FURNISHED
6 22 INSTRUCTIONS.
6 23 The commissioner shall cause copies of ~~the~~
6 24 ~~foregoing each set of instructions to be printed in~~
6 25 large, clear type, under the ~~heading~~ headings of Iowa
6 26 voter bill of rights and "Instructions instructions
6 27 for voters marking ballots", and shall furnish the
6 28 precinct election officials with a sufficient number
6 29 of ~~such each set of~~ instructions as will enable them
6 30 to comply with section 49.71.
6 31 Sec. 19. Section 49.71, Code 2003, is amended to
6 32 read as follows:
6 33 49.71 POSTING INSTRUCTION CARDS AND SAMPLE
6 34 BALLOTS.
6 35 The precinct election officials, before the opening
6 36 of the polls, shall ~~cause said cards~~ securely post
6 37 ~~each set of instructions to be securely posted as~~
6 38 follows:
6 39 1. One copy of instructions for marking ballots in
6 40 each voting booth.
6 41 2. Not less than four copies of each set, with an
6 42 equal number of sample ballots, in and about the
6 43 polling place.
6 44 Sec. 20. Section 49.81, Code 2003, is amended to
6 45 read as follows:
6 46 49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST
6 47 PROVISIONAL BALLOT.
6 48 1. A prospective voter who is prohibited under
6 49 section 48A.8, subsection 4, section 49.77, subsection
6 50 4, or section 49.80 from voting except under this
7 1 section shall be permitted to notified by the
7 2 appropriate precinct election official that the voter
7 3 may cast a paper provisional ballot. If a booth
7 4 meeting the requirement of section 49.25 is not
7 5 available at that polling place, the precinct election
7 6 officials shall make alternative arrangements to
7 7 insure the challenged voter the opportunity to vote in
7 8 secret. The marked ballot, folded as required by
7 9 section 49.84, shall be delivered to a precinct
7 10 election official who shall immediately seal it in an
7 11 envelope of the type prescribed by subsection 4. The
7 12 sealed envelope shall be deposited in ~~a special an~~
7 13 ~~envelope marked "ballots for special precinct~~
7 14 "provisional ballots" and shall be considered as
7 15 having been cast in the special precinct established
7 16 by section 53.20 for purposes of the postelection
7 17 canvass.
7 18 2. Each person who casts a ~~special~~ provisional

7 19 ballot under this section shall receive a printed
7 20 statement in substantially the following form:
7 21 Your qualifications as a registered voter have been
7 22 challenged for the following reasons:
7 23 I.
7 24 II.
7 25 III.
7 26 Your right to vote will be reviewed by the special
7 27 precinct counting board on You have the right
7 28 and are encouraged to make a written statement and
7 29 submit additional written evidence to this board
7 30 supporting your qualifications as a registered voter.
7 31 This written statement and evidence may be given to an
7 32 election official of this precinct on election day or
7 33 mailed or delivered to the county commissioner of
7 34 elections, but must be received before a.m./p.m.
7 35 on at If your ballot is not counted you
7 36 will receive, by mail, notification of this fact and
7 37 the reason that the ballot was not counted.
7 38 3. Any elector may present written statements or
7 39 documents, supporting or opposing the counting of any
7 40 ~~special~~ provisional ballot, to the precinct election
7 41 officials on election day, until the hour for closing
7 42 the polls. Any statements or documents so presented
7 43 shall be delivered to the commissioner when the
7 44 election supplies are returned.
7 45 4. The individual envelopes used for each ~~paper~~
7 46 provisional ballot cast pursuant to subsection 1 shall
7 47 have printed on them the format of the face of the
7 48 registration form under section 48A.8 and the
7 49 following:
7 50 I believe I am a registered voter of this ~~precinct~~
8 1 county and I am eligible to vote in this election. I
8 2 registered to vote in county on or about
8 3 at My name at that time was I have not
8 4 moved to a different county since that time. I am a
8 5 United States citizen, at least eighteen years of age.
8 6
8 7 (signature of voter) (date)
8 8 The following information is to be provided by the
8 9 precinct election official:
8 10 Reason for challenge:
8 11
8 12
8 13
8 14 (signature of precinct
8 15 election official)
8 16 Sec. 21. Section 50.20, Code 2003, is amended to
8 17 read as follows:
8 18 50.20 NOTICE OF NUMBER OF ~~SPECIAL~~ PROVISIONAL
8 19 BALLOTS.
8 20 The commissioner shall compile a list of the number
8 21 of ~~special~~ provisional ballots cast under section
8 22 49.81 in each precinct. The list shall be made
8 23 available to the public as soon as possible, but in no
8 24 case later than nine o'clock a.m. on the second day
8 25 following the election. Any elector may examine the
8 26 list during normal office hours, and may also examine
8 27 the affidavit envelopes bearing the ballots of
8 28 challenged electors until the reconvening of the
8 29 special precinct board as required by this chapter.
8 30 Only those persons so permitted by section 53.23,
8 31 subsection 4, shall have access to the affidavits
8 32 while that board is in session. Any elector may
8 33 present written statements or documents, supporting or
8 34 opposing the counting of any special ballot, at the
8 35 commissioner's office until the reconvening of the
8 36 special precinct board.
8 37 Sec. 22. Section 50.21, unnumbered paragraph 2,
8 38 Code 2003, is amended to read as follows:
8 39 If no ~~special~~ provisional ballots were cast in the
8 40 county pursuant to section 49.81 at any election, the
8 41 special precinct election board need not be so
8 42 reconvened. If the number of ~~special~~ provisional
8 43 ballots ~~so~~ cast at any election is not sufficient to
8 44 require reconvening of the entire election board of
8 45 the special precinct, the commissioner may reconvene
8 46 only the number of members required. If the number of
8 47 ~~special~~ provisional ballots cast at any election
8 48 exceeds the number of absentee ballots cast, the size
8 49 of the special precinct election board may be

8 50 increased at the commissioner's discretion. The
9 1 commissioner shall observe the requirements of
9 2 sections 49.12 and 49.13 in making adjustments to the
9 3 size of the special precinct election board.
9 4 Sec. 23. Section 52.1, subsection 2, paragraph h,
9 5 Code 2003, is amended to read as follows:
9 6 h. "Voting machine" means ~~a mechanical or an~~
9 7 electronic device, meeting the requirements of section
9 8 52.7, designated for use in casting, registering,
9 9 recording, and counting votes at an election.
9 10 Sec. 24. Section 52.2, Code 2003, is amended to
9 11 read as follows:
9 12 52.2 PURCHASE.
9 13 The board of supervisors of any county may, by a
9 14 majority vote, authorize, purchase, and order the use
9 15 of either voting machines or an electronic voting
9 16 system in any one or more voting precincts within ~~said~~
9 17 ~~the~~ county until otherwise ordered by ~~said the~~ board
9 18 of supervisors. Voting machines and an electronic
9 19 voting system may be used concurrently at ~~different~~
9 20 precincts within any county, ~~but not at the same~~
~~9 21 precinct.~~
9 22 The state commissioner may provide voting machines
9 23 or electronic voting systems to a county to replace
9 24 lever voting machines in use in the county in order to
9 25 comply with Pub. L. No. 107=252, the Help America
9 26 Vote Act of 2002.
9 27 Sec. 25. Section 52.9, unnumbered paragraph 4,
9 28 Code 2003, is amended by striking the paragraph.
9 29 Sec. 26. Section 52.10, Code 2003, is amended to
9 30 read as follows:
9 31 52.10 BALLOTS == FORM.
9 32 All ballots shall be ~~printed in black ink on clear,~~
~~9 33 white material, of such size as will fit the ballot~~
~~9 34 frame, and presented~~ in as plain, clear type as the
9 35 space will reasonably permit. ~~The party name for each~~
~~9 36 political party represented on the machine shall be~~
~~9 37 prefixed to the list of candidates of such party. The~~
~~9 38 order of the list of candidates of the several parties~~
~~9 39 or organizations shall be arranged as provided in~~
~~9 40 sections 49.30 to 49.42A, except that the lists may be~~
~~9 41 arranged in horizontal rows or vertical columns to~~
~~9 42 meet the physical requirements of the voting machine~~
~~9 43 used. The offices, candidates, judges, and public~~
~~9 44 measures to be voted upon, using the voting machine,~~
~~9 45 shall be arranged as required by chapters 43 and 49.~~
9 46 Sec. 27. Section 52.12, Code 2003, is amended to
9 47 read as follows:
9 48 52.12 EXCEPTION == STRAIGHT PARTY VOTING.
9 49 Voting machines shall have a single ~~lever or switch~~
9 50 voting target which casts a vote for each candidate of
10 1 a political party or nonparty political organization
10 2 which has nominated candidates for more than one
10 3 partisan office on the ballot. Straight party voting
10 4 shall be provided for all general elections.
10 5 Sec. 28. Section 52.16, Code 2003, is amended to
10 6 read as follows:
10 7 52.16 DUTIES OF ELECTION OFFICERS == ~~INDEPENDENT~~
~~10 8 BALLOTS.~~
10 9 The election board of each precinct in which votes
10 10 are to be cast by machine shall meet at the precinct
10 11 polling place, at least one hour before the time set
10 12 for the opening of the polls at each election, and
10 13 shall proceed to arrange the furniture, stationery,
10 14 and voting machine for the conduct of the election.
10 15 The board shall cause at least ~~two instruction cards~~
10 16 four sets of instructions to be posted conspicuously
10 17 within the polling place. ~~If not previously done,~~
~~10 18 they shall arrange, in their proper place on the~~
~~10 19 voting machine, the ballots containing the names of~~
~~10 20 the offices to be filled at the election, and the~~
~~10 21 names of the candidates nominated. If not previously~~
~~10 22 done, the machine shall be so arranged as to show that~~
~~10 23 no vote has been cast, and shall not be thereafter~~
~~10 24 operated, except by electors in voting.~~
10 25 Before the polls are open for election, the board
10 26 shall carefully examine every machine and see that no
10 27 vote has been cast, ~~and the machines are subject to~~
~~10 28 inspection of the election officers. If the voting~~
~~10 29 machine is equipped to produce a printed record~~
~~10 30 showing the status of the counters, this record shall~~

~~10 31 be produced by the precinct election officials~~
~~10 32 immediately Immediately before the polls are open, the~~
~~10 33 precinct election officials shall print a report from~~
~~10 34 each machine showing that the counter is set at zero.~~
10 35 The inspection sheets reports from each machine used
10 36 in the election shall be available for examination
10 37 throughout election day.
10 38 Ballots voted for any person whose name does not
~~10 39 appear on the machine as a nominated candidate for~~
~~10 40 office, are referred to in this section as independent~~
~~10 41 ballots. When two or more persons are to be elected~~
~~10 42 to the same office, and the machine requires that all~~
~~10 43 independent ballots voted for that office be deposited~~
~~10 44 in a single receptacle or device, an elector may vote~~
~~10 45 in or by the receptacle or device for one or more~~
~~10 46 persons whose names do not appear upon the machine~~
~~10 47 with or without the names of one or more persons whose~~
~~10 48 names do so appear. With that exception, and except~~
~~10 49 for presidential electors, no independent ballot shall~~
~~10 50 be voted for any person for any office whose name~~
~~11 1 appears on the machine as a nominated candidate for~~
~~11 2 that office; any independent ballot so voted shall not~~
~~11 3 be counted. An independent ballot must be cast in its~~
~~11 4 appropriate place on the machine, or it shall be void~~
~~11 5 and not counted.~~
11 6 Sec. 29. Section 52.17, Code 2003, is amended to
11 7 read as follows:
11 8 52.17 VOTING MACHINE IN PLAIN VIEW.
11 9 The exterior of the voting machine and every part
11 10 of the polling place shall be in plain view of the
11 11 election officers. The voting machine shall be placed
11 12 at least three feet from every wall and partition of
~~11 13 the polling place, and at least four feet from the~~
11 14 precinct election officials' table.
11 15 Sec. 30. Section 52.20, Code 2003, is amended to
11 16 read as follows:
11 17 52.20 INJURY TO MACHINE.
11 18 ~~No~~ A voter, or other person, shall not deface or
11 19 injure the voting machine or the ballot thereon. It
11 20 shall be the duty of the precinct election officials
11 21 to enforce the provisions of this section. During the
11 22 entire period of an election, at least one of ~~their~~
~~11 23 number the officials, designated by them the officials~~
~~11 24 from time to time, shall be stationed beside the~~
~~11 25 entrance to the booth and shall see that it is~~
~~11 26 properly closed after a voter has entered it to vote.~~
~~11 27 The official shall also, at such intervals as the~~
11 28 official may deem proper or necessary, examine the
11 29 face of the machine to ascertain whether it has been
11 30 defaced or injured, to detect the wrongdoer, and to
11 31 repair any injury. If the official finds that a
~~11 32 person has left the voting booth without casting the~~
~~11 33 ballot, the official shall cast the ballot.~~
11 34 Sec. 31. Section 52.21, Code 2003, is amended by
11 35 striking the section and inserting in lieu thereof the
11 36 following:
11 37 52.21 CANVASS OF VOTE == TALLY.
11 38 As soon as the polls of the election are closed,
11 39 the precinct election officials shall immediately lock
11 40 the voting machine against voting and, in the presence
11 41 of all persons who may be lawfully within the polling
11 42 place, proceed to canvass the vote. The officials
11 43 shall print the results from each machine, tally any
11 44 write-in votes, and complete any canvass documents
11 45 prescribed for the voting machine by the state
11 46 commissioner. Write-in votes cast for a person whose
11 47 name appears on the ballot as a candidate for that
11 48 office shall not be counted.
11 49 Sec. 32. Section 52.23, unnumbered paragraph 2,
11 50 Code 2003, is amended to read as follows:
12 1 The ~~inspection sheets~~ zero count report from each
12 2 machine used in the election and one copy of the
12 3 printed results from each machine shall be signed by
12 4 all precinct election officials and, with any paper or
12 5 papers upon which write-in votes were recorded by
12 6 voters, shall be securely sealed in an envelope marked
12 7 with the name and date of the election, the precinct,
12 8 and the serial numbers of the machines from which the
12 9 enclosed results were removed. This envelope shall be
12 10 preserved, unopened, for twenty-two months following
12 11 elections for federal offices and for six months

12 12 following elections for all other offices unless a
12 13 recount is requested pursuant to section 50.48 or an
12 14 election contest is pending. The envelope shall be
12 15 destroyed in the same manner as ballots pursuant to
12 16 section 50.13. ~~Additional copies At least one~~
12 17 ~~additional copy~~ of the results, ~~if any~~, shall be
12 18 signed by the officials and delivered to the
12 19 commissioner with the other supplies from the election
12 20 pursuant to section 50.17.
12 21 Sec. 33. Section 52.25, unnumbered paragraph 2,
12 22 Code 2003, is amended to read as follows:
12 23 The entire convention question, amendment or public
12 24 measure shall be printed and displayed prominently in
12 25 at least four places within the voting precinct, and
12 26 inside each voting booth, ~~or on the left-hand side~~
12 27 ~~inside the curtain of each voting machine~~, the
12 28 printing to be in conformity with the provisions of
12 29 chapter 49. The public measure shall be summarized by
12 30 the commissioner and in the largest type possible
12 31 printed on the special paper ballots or ~~inserts used~~
12 32 in the voting machines, except that:
12 33 Sec. 34. NEW SECTION. 53.37A STATE COMMISSIONER
12 34 DUTIES.
12 35 The state commissioner of elections shall provide
12 36 information regarding voter registration procedures
12 37 and absentee ballot procedures to be used by members
12 38 of the armed forces of the United States. The state
12 39 commissioner shall accept valid voter registration
12 40 applications and absentee ballot applications and
12 41 shall forward the applications to the appropriate
12 42 county commissioner of elections in a timely manner.
12 43 Sec. 35. Section 53.40, unnumbered paragraph 1,
12 44 Code 2003, is amended to read as follows:
12 45 A request in writing for a ballot may be made by
12 46 any member of the armed forces of the United States
12 47 who is or will be a qualified voter on the day of the
12 48 election at which the ballot is to be cast, at any
12 49 time before the election. Any member of the armed
12 50 forces of the United States may request ballots for
13 1 all elections to be held ~~within a calendar year~~
13 2 through the next two general elections. The request
13 3 may be made by using the federal postcard application
13 4 form and indicating that the applicant wishes to
13 5 receive ballots for all elections as permitted by
13 6 state law. The county commissioner shall send the
13 7 applicant a ballot for each election held ~~during the~~
13 8 ~~calendar year in which~~ after the application is
13 9 received and through the next two general elections.
13 10 The commissioner shall forward a copy of the absentee
13 11 ballot request to other commissioners who are
13 12 responsible under section 47.2, subsection 2, for
13 13 conducting elections in which the applicant is
13 14 eligible to vote.
13 15 Sec. 36. Section 53.53, Code 2003, is amended by
13 16 adding the following new unnumbered paragraphs:
13 17 NEW UNNUMBERED PARAGRAPH. A federal write-in
13 18 ballot received by the state commissioner of elections
13 19 shall be forwarded immediately to the appropriate
13 20 county commissioner. However, if the state
13 21 commissioner receives a federal write-in ballot after
13 22 election day and before noon on the Monday following
13 23 an election, the state commissioner shall at once
13 24 verify that the voter has complied with the
13 25 requirements of this section and that the voter's
13 26 federal write-in ballot is eligible to be counted. If
13 27 the ballot is eligible to be counted, the state
13 28 commissioner shall notify the appropriate county
13 29 commissioner and make arrangements for the ballot to
13 30 be transmitted to the county for counting. If the
13 31 ballot is not eligible to be counted, the state
13 32 commissioner shall mail the ballot to the appropriate
13 33 commissioner along with notification that the ballot
13 34 is ineligible to be counted. The county commissioner
13 35 shall keep the ballot with the other records of the
13 36 election.
13 37 NEW UNNUMBERED PARAGRAPH. The county commissioner
13 38 shall notify a voter when the voter's federal write-in
13 39 ballot was not counted and shall give the voter the
13 40 reason the ballot was not counted.
13 41 Sec. 37. Sections 49.35, 52.11, 52.14, and 52.22,
13 42 Code 2003, are repealed.

13 43 Sec. 38. EFFECTIVE DATES.
13 44 1. The sections of this Act enacting new Code
13 45 section 48A.25A and amending Code sections 48A.26,
13 46 48A.36, 49.68, 49.70, 49.71, and that portion of
13 47 section 52.16 relating to voter instructions only,
13 48 take effect January 1, 2004, or January 1, 2006, if a
13 49 waiver is granted pursuant to section 303(d) of Pub.
13 50 L. No. 107=252.
14 1 2. The sections of this Act amending sections
14 2 52.1, 52.9, 52.10, 52.12, 52.16, 52.17, 52.20, 52.21,
14 3 and 52.25, and the sections of this Act repealing
14 4 sections 52.11, 52.14, and 52.22, take effect January
14 5 1, 2004, or January 1, 2006, if a waiver is granted
14 6 pursuant to section 102(a) of Pub. L. No. 107=252.
14 7 3. The remainder of this Act, being deemed of
14 8 immediate importance, takes effect upon enactment.>
14 9 #2. Title page, by striking lines 2 through 11,
14 10 and inserting the following: 14 11 requirements of federal law, making corrective
changes
14 12 to state election law, and including effective date
14 13 provisions.>
14 14 #3. By renumbering as necessary.
14 15
14 16
14 17
14 18 _____
14 18 JOHN P. KIBBIE
14 19 MIKE CONNOLLY
14 20 DICK L. DEARDEN
14 21 DENNIS H. BLACK
14 22 AMANDA RAGAN
14 23 THOMAS G. COURTNEY
14 24 HF 614.506 80
14 25 sc/pj